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ABSTRACT

This handbook is designed for administrators and teachers dealing with Indochinese refugees from Vietnam, Laos, and Cambodia. The first section provides the reader with basic information on the personal and behavioral characteristics of Indochinese at home and in school. The second section gives practical suggestions on how to keep student records for Asian students, how to determine grade placement, and the types of programs most likely to be successful in teaching the students both English and native language skills. The third section outlines the legal requirements with regard to these students, and the next section is a simple listing of appropriate and inappropriate expectations to have and actions to take regarding this group. The booklet includes an extensive materials reference section and bibliography. (CG)

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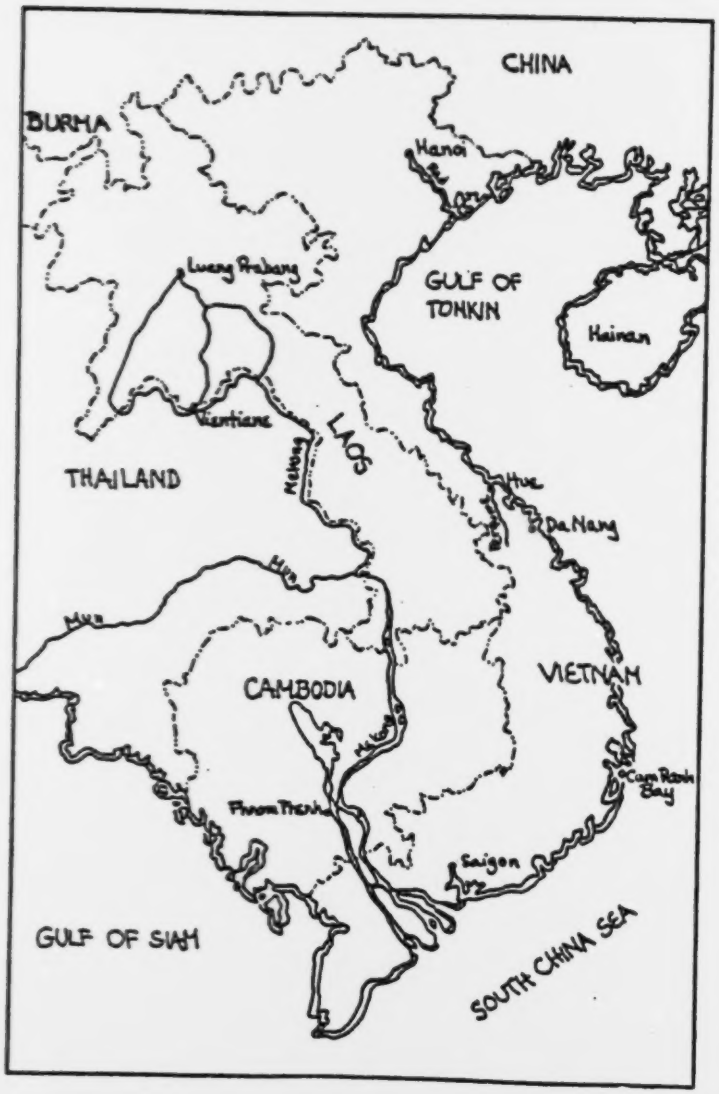

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INDOCHINESE REFUGEES: AN ADMINISTRATOR'S HANDBOOK

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INDOCHINESE REFUGEES:
AN ADMINISTRATOR'S HANDBOOK

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1985

FOREWORD

Indochinese Refugees: An Administrator's Handbook is designed as a reference guide for districts enrolling refugee children from Vietnam, Laos, and Cambodia. It also addresses the education of all limited-English-proficient (LEP) students.

Since Lau vs. Nicols in 1974, federal regulations have required identification of and instruction for LEP students. The Refugee Act of 1980, administered by the South Carolina Department of Education, provides funds for instruction and materials for refugees.

Statewide, South Carolina has approximately 250 refugee children in its public schools. Instructional techniques vary depending on student needs and teacher expertise. Some districts provide bilingual aides who work with students in their native language. Other districts employ English as a Second Language (ESL) teachers who travel from school to school and meet with students individually or in small groups.

Administrators and teachers are often faced with questions such as "How do I place these students? test them? register them?" "Why do they not participate in class discussions? Why can't I get parental response?" It is the intention of this Handbook to answer these and other questions about educating LEP students.

The refugee students who arrive in our schools have more to cope with than language. Cultural differences often cause misunderstanding and even discipline problems. The Handbook addresses these problems, too.

Hopefully, this Handbook will be a useful guide for administrators and teachers who work with LEP students.

Cindy Saylor, State Consultant
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CONTENTS

		Page Number
	FOREWORD	i
I.	CHARACTERISTICS OF THE INDOCHINESE	
	Behavioral Expectations	1
	At Home	1
	At School	1
	Behavioral Differences	2
	Parental Pressure	2
	Education	3
	System	3
	Student-Teacher Relationships	3
	Learning Styles and Study Habits	4
	Traditions	5
	Parental Involvement	6
	Community Involvement	7
II.	EDUCATIONAL SUGGESTIONS	
	School Records	9
	Names	9
	Ages and Birthdates	11
	Grade Placement	12
	Questions About Placement	14
	Types of Programs	15
	Bilingual/Bicultural Education	15
	Supportive Bilingual Education	16
	English as a Second Language	16
	Goals of English as a Second Language	17
	Choice of Bilingual or ESL Instruction	18
	Other Specialists	18

III. LEGAL REQUIREMENTS

Title VI of the Civil Rights Act of 1964	19
Lau vs Nicols	19
Identification of Limited English Proficient Students	20
Minimal Legal Standards for Special English Help	21
Standards for Removal of Student from Program	21
Monitoring the Success of a District's Program	22
Size of Program	22

IV. DO'S AND DON'TS 23

V. MATERIALS REFERENCE 25

VI. BIBLIOGRAPHY 33

Chào ông. Ông manh giỏi?

CHARACTERISTICS OF THE INDOCHINESE

Behavioral Expections

At Home

Generally speaking, Vietnamese children are polite and well-behaved. At home, the Vietnamese child feels secure because each member of the family has a defined role. The father is the "head," or the authority figure, and the mother is the "heart." Both parents are supposed to have absolute authority over the child. Any disobedience is regarded as a serious offense. Even so, children are well loved and protected.

At School

Vietnamese students are used to formal, highly structured classroom situations in which the teacher is recognized as the authority figure. In Vietnam counseling services were not available, and students were expected to learn by listening, watching, and imitating. They treated their teachers with great respect, rising when the teachers entered the classroom and sitting down with their teachers' permission. They usually remained in the assigned seats throughout the school day and did not talk to each other without their teachers' permission. Play was not considered to be important in the educational program.

Asians are taught to be honest, have strength of character, respect thrift, admire hard work, seek personal success for the good of the family, revere their ancestors, and to be reserved in emotional matters. Their Buddhist faith encourages these qualities.

Behavioral Differences

Vietnamese children are expected by their parents to be quiet, polite, modest, and humble. These characteristics cause the children seldom to express their wishes and opinions. This behavior often is interpreted by American teachers as being withdrawn, unmotivated, or uncooperative.

Vietnamese children who have been taught to respect and obey elders and persons in authority, often are confused and bewildered by the direct, spontaneous behavior of their American peers towards adults and teachers. Vietnamese children would consider such "free" behavior to be disrespectful. On the other hand, the gestures that Vietnamese children use to show respect, i.e., bowing their heads to the teacher, handing their papers to the teacher with both hands, are often laughed at by American classmates. The polite response of the Vietnamese of not looking someone in the eye while talking may be interpreted by Americans as a symptom of an insecure, even emotionally disturbed person.

Parental Pressure

Compared to American children, the Vietnamese children are under more intense pressure from their parents to study. Products of a culture which places a high value of "book learning," Vietnamese refugee parents have been reported not just to encourage their children to study but in many cases, with characteristic authoritarian display, to force children to study and to do well in school.

This traditional parental concern over study and learning can sometimes be seen to involve a rather restricted definition of what learning is. A Vietnamese parent in Virginia once reportedly withdrew his son from the high school track team because he felt the son had no business associating himself with the track team while his time could be better spent alone at a desk at home "learning" more English. Learning English was thus seen to involve a book and a desk and not communication with other people.

Education

Respect for education and love of learning are given primordial importance by the Vietnamese people. Education especially is valued by the parents because it alone determines social positions and job opportunities. In the United States, education also is valued but it is not the only means for success, social prestige, and self-esteem. An individual in the United States can excel in a trade or a career, and his social position will be judged by his professional position or wealth. A very rich man without a good education is not highly regarded by the Vietnamese.

Educational System

Unlike the American school system, where school boards are elected by the public, the Vietnamese school system was centralized under the Department of National Education. The curriculum was uniform throughout the entire country. Numeric grades for 0 to 20 were given with a passing grade of 10. Neither the students, nor the parents, nor the public had an active role in deciding school policy, curriculum, or staffing.

Every student had to pass a national exam at the end of high school in order to enroll in a university or college. The subject matter of the coursework was directed towards passing the exam. Since there were few textbooks and limited reading assignments outside of the classroom, the students were dependent upon their teachers for the knowledge that they needed to pass the exam. The exam was very difficult, lasted for several days, and many students failed it.

The Student-Teacher Relationship

The American teachers' friendliness and informality are shocking to the Vietnamese students and hard for them to accept. They are reluctant to ask questions in class because such behavior seems aggressive and disrespectful to them. Their confusion is increased when, to their surprise, their teachers reward such behavior in class.

Since they are not accustomed to talking in front of the class, they are shy and uncomfortable when asked to do so in the American classroom. They do not volunteer answers because they have been taught to be modest. If they need help, they probably will not ask for it.

Because Vietnamese students do not know the limitations of the new freedom they observe in the American classroom, they may become discipline problems. The inability to perceive the freedom limitations that exist on the playground or in the classroom is the cause for some of the misconduct or misbehavior attributed to the Vietnamese students. The students might be too quiet and be forgotten or labeled uncooperative, or they might be too loud, talk out of turn, and be judged discipline problems. This lack of understanding is complicated and aggravated by the language barrier.

Asian children will wait for teacher instruction rather than proceeding on their own. There is little interpersonal interaction between children and teachers. Teacher behavior is important to these students: teachers do not usually make mistakes; they do not sit on desks; they wear formal clothing; and they do not often engage in humor with students. The "warm, friendly atmosphere" of United States schools is often viewed as too casual and/or playful for Asians.

Learning Styles and Study Habits

Asian study habits are based upon the lecture, taking notes, repetition, and oral recitation method. Grades are awarded upon tests over the material presented, and promotion depends upon a test score.

The observation-not-inquiry method of learning is typical. Students do not ask questions, for to do so would indicate disrespect of the teacher. Working in groups is "play" and individualized instruction is "play." A casual, noisy, active classroom is confusing to most Asians. Independent projects or library research are foreign to them and they need to be guided with patience.

With few textbooks and libraries in Asian schools, students learn to use the notebook as a textbook; memorization is the chief method of learning. Students will spend hours memorizing their school assignments, even though they do not comprehend the material. This carries over in United States classrooms where students will memorize lists but will be totally confused at "matching" questions.

Traditions

Girls and boys are treated differently, although both were expected to do well in school and to study. However, as a rule, more academic pressure was placed on boys than on girls. Students usually were seated on separate benches or in separate sections of the classroom. They rarely were assigned to work together. Casual friendships did exist between boys and girls, but courting and dating were not encouraged. Both sexes were supposed to be polite and modest, but it was considered undesirable and impolite for a girl to speak in a raised voice. There were no sex education programs in the schools, and Vietnamese students were not used to discussing this topic in a classroom environment.

Vietnamese students usually are very agile and have good manual dexterity. The Vietnamese society values skills that emphasize patience and self-control, i.e., embroidery, calligraphy, or silk-screen painting. Handwriting was emphasized in the schools, and children were expected to do their work neatly.

Traditionally, the head is never touched in Vietnam. Some Vietnamese believe that the head is a sacred place, while others have been afraid to touch the head of an infant for fear of damaging the soft spot. This goes back to the "old times" in Asia when the infant mortality rate was high, and touching the child's head became a taboo.

Parental Involvement

Vietnamese adults value and enthusiastically support public education over any other public service for their children. Parents believe that education determines their children's future and see the school as an effective agent for preparing their children for life. However, Vietnamese parents' attitudes toward involvement in public education appear passive to most teachers and administrators. Very few parents join parent advisory committees and even fewer participate in school activity programs. They are reluctant to voice their concerns and discuss educational issues with teachers and administrators.

Three factors are thought to account for this attitude. First, many Vietnamese parents believe that educational matters should be left to teachers and administrators, who, in their opinion, are professionals in educational practice and management. Second, Vietnamese parents, as recent immigrants to the United States, are primarily concerned with their economic survival. Third, parents face a language barrier with English-speaking school personnel.

In order to get parents involved in public education, the school district personnel should develop and carry out a community liaison plan. The plan should concentrate its efforts on the following tasks:

1. Informing parents of their children's school program, its goals, and activities;

2. Convincing parents that their involvement is necessary to achieve the quality education they want for their children;

3. Encouraging parents to express their views regarding their children's education;

4. Maintaining frequent contacts and occasional visits with parents;

5. Offering parents services such as helping them prepare for United States citizenship and giving orientations to life in the United States;

6. Including parents on advisory committees;

7. Encouraging students to ask their parents to participate in school activities and progams;

8. Promoting home activities between parents and students that better prepare children for school studies;

9. Explaining the role of Vietnamese in the educational development of Vietnamese-speaking students; and

10. Describing the process of English language acquisition to parents.

Community Involvement

The success of any educational program requires the cooperation of five groups: school board, administrators, faculty, students, and community/parents. Programs for the limited-English-speaking are no exception.

Before initiating programs geared specifically for its limited-English-speaking students, a district should seek input from the community and from the parents of the identified students.

A district with significant numbers of limited-English-speaking students should form a parents' advisory board to focus parental input on all aspects of program planning, implementation, and evaluation. Such involvement will help bridge the gap that so often exists between the limited-English-speaking student's home and school experience. It will help the school more adequately reflect the values and priorities of the entire community and thus more fully meet the total spectrum of its needs. Naturally, if the goals and purposes of the programs coincide with parental wishes, there is a better chance that the program will suceed.

There are a number of activities which a school district, through its program coordinator or other qualified personnel, can accomplish to ensure parental and community participation.

a. Providing parents and community with information on the various program choices for limited-English-speaking students through meetings, newsletters and notices.

b. Translating all such newsletters and notices into the primary languages of parents of limited-English-speaking students.

c. Making home visitations at the beginning and throughout the school year to keep channels of communication open between school and parents.

d. Encouraging members of the language minority community to visit the school, to observe and take part in its programs.

e. Enlisting parental and community involvement in planning what programs a district should initiate for its limited-English-speaking students. A district should determine, for example, whether the parents and community desire educational programs which accelerate the language and cultural assimilation of their children or which will foster, besides assimilation, the maintenance and/or development of the primary language and culture.

EDUCATIONAL SUGGESTIONS

School Records

Vietnamese Names.

When the Vietnamese refugee children first entered the American schools, there was a lot of confusion about how to file their names in the school records. Vietnamese names are written in just the opposite order of American names.

The Vietnamese usually have three names, e.g., Nguyen Hy Vinh, or Hoanng Thi Thanh. The first name is the family name, while the last name is the given name. Vietnamese use the given name for identification.

Surname		Given Name	
Family Name	Middle Name	Chosen Name	
Nguyen	Hy	Vinh	(Vietnamese male)
Hoang	Thi	Thanh	(Vietnamese female)
Jones	Charles	John	
Brown	Patricia	Anne	

While the American male adult would be known formally as Mr. Jones and informally as John, his Vietnamese counterpart would be known both formally and informally by his given name; Vinh or Mr. Vinh. The Vietnamese female is also known by her given name: Thanh or Miss Thanh. If she is married (say to the above Mr. Vinh) she has a choice: she can be known formally as either Mrs. Thanh (her given name) or Mrs. Vinh (her husband's given name). Informally she is always Thanh.

School administrators should file each student by the given name. This name should be underlined so that the child will be addressed properly. Younger children especially will identify themselves by given name only and will be confused if the family name is used.

An example of a school record for Quang, the son of Mr. and Mrs. Vinh, would look like this:

School Record

Name:	Nguyen Cao Quang Sex: M
Address:	5415 Jackson Street
Telephone No.	367-9421
Parents' Name:	Nguyen Hy Vinh (Mr.)
	Hoang Thi Thanh (Mrs.)
	(can also be called Mrs. Vinh)
Birthdate:	July 4, 1970

Secondary Record

Name:	Quang Co Nguhen Sex M
Address:	5415 Jackson Street
Telephone No.	367-9421
Parents Name:	Nguyen Hy Vinh (Mr.)
	Hoang Thi Thanh (Mrs.)
	(can also be called Mrs. Vinh)
Birth date:	July 4, 1970

A word of caution! In an effort to "Americanize," many Vietnamese adults have changed the traditional order of their names, leaving the administrator guessing about how to list a newly enrolled child. With the above as a guide, the administrator can question the parents and then crossfile records, if necessary.

Cambodians, like the Vietnamese, traditionally place their family names before their given names and are called by their given names. For example, Sok Sam Bo's family name is Sok, but he would be called Bo or Mr. Bo, as appropriate. In keeping records, the same system devised for the Vietnamese can be used.

Laotians, however, traditionally write their names as we do in America with the given name first and the family name following. However, they follow the Vietnamese and Cambodian custom of being addressed, both formally and informally by their given name. Thus, Vixay (given name) Sihareth (family name) would be called Vixay or Mr. Vixay. (Also Laotians usually have only two names.) While cross-referencing of records may not be necessary, continuing to underline or circle the name by which a person is addressed would be helpful.

Ages and Birthdates

Certain confusion might arise from a different concept of age. Usually a Vietnamese has two ages; one is related to chronological age, and the other is related to Tet or the Lunar New Year. People who are born prior to the Lunar New Year will be a year old on Tet regardless of whether they were born a few days prior to Tet or a whole year prior.

Since the date of Tet changes according to the Lunar calendar, this can be even more confusing to Americans. If Tet is on January 30, and a child is born on January 2, the child will be considered a year old, entering the second year after Tet (or after January 30). Some Vietnamese parents have given the Tet age to school administrators, while others have adopted the American custom and given their child's chronological age.

The determination of birthdates is complicated further when administrators are not aware of the Vietnamese custom of writing dates. As in many other countries, the date is written so that the day is first, then the month, and lastly the year. For example, in the United States, dates are commonly written in the following order:

Month - day - year: e.g., 6/7/85 = June 7, 1985.

Whereas, in Vietnam they are written:

Day - month - year: e.g., 6/7/85 = July 6, 1985.

In order to avoid problems, it is suggested that school administrators ask for the child's birthdate by specifically requesting the month, day, and year of birth. If there is some doubt as to accuracy, a comparison can be made with the records of the child's other siblings to see if the child's age appears to be adequate.

Grade Placement

The next concern of the school administrators is the grade placement of the Vietnamese refugee students. Before the actual placement can be made, the children's previous school experience needs to be determined and their academic ability and emotional maturity assessed.

The first step should be to gather as much information on the children's past school experience as possible. Administrators should inquire as to the number of years of schooling, the grade level, and the type of school that the children attended. The educational background of the parents also should be investigated since this could have a positive or a negative effect on the children's adjustment to the school.

The second step is the evaluation of the children's academic ability as well as their mental and emotional maturity. The use of standardized IQ tests is not advisable for Vietnamese children due to the culturally bound content of such tests. Thus, the results obtained are not a reliable indications of the children's true mental ability.

If the school finds that it is absolutely necessary to have some measure of a child's intelligence, it is suggested that an ad hoc test be devised in the student's native language by someone who shares the same cultural background as the student. In general terms, such a test should be descriptive and prescriptive (not selective and predictive) and should be used to determine the learning experiences required to ensure more adequately academic success.

After a child is enrolled, the next question which arises is, "What grade do I place him in?" It is soon discovered that one sweeping principle will not work with all Indochinese children, just as it does not work with all American children. The task can even be more difficult because the children do not have any records, cannot speak English and cannot freely advise the school about their academic backgrounds and potential. Here are several strategies for making sound decisions about grade placement.

1. **Do not place the Indochinese student one or two years behind his placement in Indochina.**

   If the problem here is that of the child not speaking enough English to cope with 8th grade work, putting him in the 6th grade will likely not help the language. The English used in instruction at the 6th grade is about as complex as that used at 8th grade. What such placement means is that the student will be exposed to concepts he has already studied in his native land. While some students have been willing to repeat content while learning language, others have demonstrated expected reactions of boredom and resentment. Some parents and sponsors have asked for retardation of one or two years, expecting the burden of learning to be less and the opportunity for success to be greater. Academic success can be guaranteed by what goes on in the instructional program, not in placement.

2. **Even though many Indochinese students are smaller and appear to be less sophisticated than their American counterparts, it is not wise to put them with younger children.**

   This could be a temporary solution which has dangerous consequences. In the first place, size of students has little to do with academic maturity. Social adjustment has more to do with compatibility of interest and sharing common experiences than size does. In the second place a year's observation of Indochinese students gives evidence that they model their behavior after their American peers rather quickly. What a pity it would be to place a student with younger students for social reasons and discover too late that he will never have a basis for compatibility. It

would seem better to place the student with Americans near his own age and promote experiences which will make him one of the group.

3. **Find out what the student knows and place him in a grade level which will take him forward academically.**

Questions about Placement

1. Though the method of teaching in America and Vietnam differs considerably, what is studied at a given age is remarkably similar. A child of eleven, for example, has studied essentially the same skills and concepts his American counterpart has studied. The priorities differ but the concepts and skills are very similar.

2. Given the fact that most Vietnamese children do not handle English well enough to conceptualize in it, will new work (skills, concepts) be impossible if the Vietnamese student is kept at grade level?

   What was discovered in analyzing both school systems was that very few new concepts were learned each year. Academic progression in both systems was slow, steadily building on what had gone before. Essentially, the same limited number of key concepts and skills were studied and reinforced year after year in both systems.

3. If a student did not have enough English to understand a teacher's explanation or read the text, would he not miss the concept? Further, would this not seriously retard and frustrate him?

   Considering that the thrust of both curriculum and text material seems to be to teach few concepts and skills repeatedly in a variety of ways, it would seem that the teacher should be willing to find a way of getting the concept to the child, with or without the text. Furthermore, if he misses the concept once, he will have another chance at it again. The curricula of both systems provide this.

4. If the Vietnamese child cannot keep up (with class discussion, teacher lecture, reading the text, probably because of his lack of English), won't he completely miss the concept?

Concepts can be taught at many levels of abstraction. The most complex concept can be expressed in very simple language. Teachers would do well to learn how to express concepts at varying levels for all their students.

5. How fast can the Vietnamese student learn English so that he can participate fully in the instructional process?

That depends on how good the school's program of teaching English as a Second Language is. One year's experience has indicated that good programs have enabled most Vietnamese to continue their education with little interruption. Schools which did not provide a good program of English as a Second Language can expect the refugees to have difficulty for some time to come. In the latter situation the problem is not with placement or with the refugee's background, but with the school's program to meet his needs.

Types of Programs

Bilingual/Bicultural Education

The best way to meet English language needs is through a program of bilingual/bicultural education (BBE). In this type of BBE program, instruction is offered to students both in English and in their native language extending the children's ability to use their native language while developing their ability to function in English. Such a program is ideal but not often feasible due to economic reasons. It is possible only in school districts where there are great enough numbers of refugees.

Supportive Bilingual Education

An alternative would be a supportive bilingual education program which would require the employment of some bilingual staff members (teachers or aides) and the acquisition of materials on Indochinese culture and education. This type of program would be applicable in most school districts. Resource people who are native language speaking could be found in parent groups, church groups, the foreign student office at a nearby university, a military post, or they could be students or staff in the actual school districts.

English as a Second Language (ESL)

A structured English program could be conducted independently or in conjunction with a full bilingual or support bilingual program. This type of instruction involves the application of teaching English as a Second Language techniques to content material derived from the regular curriculum and is conducted within the regular classroom on an individual basis.

Well designed bilingual and ESL programs are compatible. A bilingual teacher must be able to communicate with the children in their own language and be able to develop a full range of skills in that language. An ESL teacher should implement bilingual education concepts which consider the already acquired language and culture of the students as a basis for second language instruction. ESL materials specifically are designed to teach English to students who speak another language. They present all the basic language skills that students have to master in order to understand and use English to communicate with teachers and peers.

The learning of English as a Second Language takes considerable time and the older the student, the more time it is likely to take. The school should not be unrealistic about expecting students to learn the language in a matter of a few weeks or a few months. It also is true that English should be taught systematically and that it should not be assumed that it can be learned through simple exposure or by accident. Daily sessions given at short intervals are preferred to weekly or long sessions given in one period. It is imperative that the classroom teacher and language teacher work closely together so that they can form a fairly complete picture of the children and their language needs, as well as reinforce each other's lessons.

In addition to teaching English, the ESL teacher also serves as a cultural adviser and friend. The atmosphere of most ESL classes is such that the children are allowed to progress at their own pace. The students feel more secure and are able to ask questions about aspects of American life that are strange and new to them. This provides invaluable emotional support which helps greatly in the children's adjustment.

Goals of ESL Instruction

The general aim of ESL instruction is to develop in limited-English-speaking students English language skills equivalent to their English speaking peers at the same grade levels. The ESL program is designed to meet urgent and immediate needs. In this context, it attempts to accomplish the following specific goals:

a. To enable students to acquire English language skills appropriate to their grade level as rapidly as possibly.

b. To orient students to the cultural patterns of American life so they can participate fully in the classroom, the school, and the community.

c. To develop student's awareness of cultural diversity and to encourage pride in their own bilingualism and biculturalism.

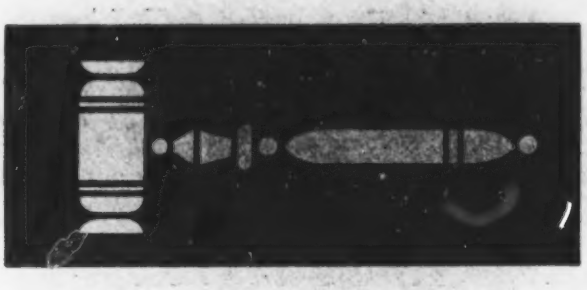
d. To enable students to make progress in their academic subjects as nearly comparable as possible to that of English-speaking students by providing them, whenever possible and necessary, with supplementary materials, instruction, and tutoring in their primary language.

Choice of Bilingual or English as a Second Language Instruction

A district should choose between instructional programs focusing on English language skills only or bilingual-bicultural programs on the basis of the number of identified limited-English-speaking students (their primary language, language proficiency levels, and educational needs). If a district has twenty or more students of the same primary language with no English ability or little English ability at approximately the same grade level, a bilingual-bicultural program should be selected. In districts where there are fewer than twenty such students or where there are twenty students who speak different primary languages, English as a Second Language instruction, either as a formal class or as support activities supplemented with as much use of the primary language as necessary and/or possible, should be initiated.

Other Specialists

In areas where there are not enough non-English speaking children to warrent an ESL program, special teachers such as the speech therapist, the reading teacher, the learning disability teacher, and the foreign language teacher are expected to teach the children English. For understandable reasons, the specialist tends to interpret the problems of the non-English speaker in terms of his/her own speciality. (The reading teacher might see the non-English student's problem as a reading problem and the speech therapist as a speech problem.) Care should be taken on all sides to recognize the child's problem for what it is - the inability to speak English, and to remember that, for the most part, the child is fully functioning and problem-free in his own language and culture.



LEGAL REQUIREMENTS

Title VI of Civil Rights Act of 1964

Title VI of the Civil Rights Act of 1964 forbids discrimination on the basis of race, color, or national origin in any federally assisted program. It is a congressional mandate to insure that federal monies are spent only in a non-discriminatory way: "No person in the United States shall, on the ground of race, color, or national origin be excluded from participating in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."

Title VI of the Civil Rights Act of 1964 has been the legal basis both for the May 1970 HEW "Memorandum to School Districts With More Than Five Percent National Origin-Minority Groups" and for the January 1974 Supreme Court decision in the case of Lau v. Nichols.

Lau v. Nichols

The famous Lau versus Nichols Supreme Court case ruled in favor of 1800 Chinese children who were not receiving equal access to education because of their limited knowledge of English. The Supreme Court ruled that the "equal protection clause" of the 14th Amendment had been violated; that "identity of treatment" (same books, same teachers, and same medium of instruction - - English) was being equated with "equality of treatment"; and that the school district would have to take affirmative steps to prevent the academic retardation of limited-English-proficient (LEP) students. However, the court did not specify what steps should be taken to eliminate discriminatory practices

against LEP children. Nevertheless, the Lau v. Nichols case was the major forerunner of all cases now being held in connection with attempts to avoid disparate outcomes based on limited English proficiency among children of various national origins.

Following the Lau v. Nichols case, a task force, made up of members of the Office of Civil Rights, drew up a step-by-step approach by which school districts not providing special programs for LEP children could comply with the Civil Rights Act of 1964. This step-by-step approach, published in 1975, is entitled "Lau Remedies" and deals directly with all of the components of a bilingual education program. Such programs serve children whose language is other than English and who are not proficient enough in English to be in the mainstream at the moment that they enroll in our schools.

Legally, we cannot discriminate linguistically against children. Educationally, we are obliged to provide programs for LEP pupils in order to help them remain on an academic par with their English-speaking peers. We have to provide programs which would permit full access to and participation in the regular school program but which would also recognize and use the LEP children's language and culture to help them catch up to and keep up with their English-speaking classmates. For districts in which there are more than 20 school children (K-12) representing one language group (e.g. Vietnamese), a special program is required. The Office of Civil Rights (OCR) recognizes a bilingual approach as educationally appropriate.

Identification of Limited English Proficient Students

The legal obligation is to identify all students who have problems speaking, understanding, reading or writing English due to a home language background other than English. In order to do this, a two-phase approach is common and acceptable. First, the parents are asked, through a home Language Survey or on a registration form, whether a language other than English is utilized in the child's home. If the answer is affirmative, then the second phase is triggered. In the second phase, those students identified through the Home Language Survey are given an oral language proficiency test and an assessment of their reading

and writing skills. There are a half dozen or so acceptable oral proficiency tests expecially designed for this purpose; at present, most districts use a percentile score on the reading and language subparts of the C.T.B.S. or a similar standarized test to measure those skills. Legally a district should be safe from a charge that it failed to identify LEP students if it treats all students who score below the 36th percentile as LEP and thus, entitled to services.

Minimal Legal Standards for Special English Help

A number of courts have recognized that special training is necessary to equip a teacher to provide meaningful assistance to LEP students. The teacher (and it is clear that it must be a teacher -- not an aide) must have training in second language acquisition techniques to teach English as a Second Language (ESL). It is preferable, but probably not required, that the ESL teacher have language skills sufficient to communicate with his students.

The time spent on assisting students must be sufficient to assure that they acquire English skills quickly enough to assure that their disadvantage in the English language classroom not harden into a permanent educational disadvantage. For students with oral language limitations, this may mean a minimum of two periods a day of intensive small group instruction. For students able to speak and understand English, but with difficulty writing it, it may be sufficient to offer one period a day.

Standards for Removal of a Student from a Program

Standards for removal generally mirror the standards for determining whether a student is LEP in the first place. Thus, objective evidence that the student can compete with his English speaking peers without a lingering language disability is necessary.

Several common practices are unlawful. First, the establishment of an arbitrary cap on the amount of time a student can remain in a program fails to meet the requirement that all LEP students be assisted. Secondly, it is common to have programs terminate at a certain grade level, e.g., 6th grade. While programs may change to accommodate different realities, it is unlawful to deny a student access to a program merely because of his grade level.

Monitoring the Success of a District's Program

The district is obligated to monitor the program and to make reasonable adjustments when the evidence would suggest that the program is not successful.

Monitoring is necessarily a two part process. First, it is necessary to monitor the progress of students in the program to assure (a) that they are making reasonable progress toward learning English and (b) that the program is providing the student with substantive instruction comparable to English proficient pupils. Secondly, any assessment of the program must include a system to monitor the progress of students after they leave the program. The primary purpose of the program is to assure that the LEP students ultimately are able to compete on an equal footing with their English-speaking peers.

Size of Program

A federal law adopted in 1974, following the Supreme Court's decision in Lau v. Nichols, makes it clear that every student is entitled to a program that is reasonably designed to overcome any handicaps occasioned by his language. Numbers may, obviously, be considered to determine how to address the student's needs. They are not a proper consideration in determining whether a program should be provided.

DO'S

1. Do place students with a teacher who is culturally sensitive and who has either an aide or the time to individualize with the student. Be aware of the intense need of Asians to excel and get good grades. Because of racial prejudices inherent in Asian culture, students may react unfavorably if placed in classes where prejudices are discernable.

2. Do expect Asian students to do well in math instruction. Although their method of solution may not fit our math system, the basic math concepts are already mastered for many children.

3. Do teach specific content area vocabulary before introducing concepts. Since many of the concepts have already been learned in their native language, students need to learn the English words in order to express this knowledge. Use the contextual cues in texts, underlined words or phrases, and major headings to signal the LEP child of what is important to know.

4. Do expect United States history courses to be difficult for LEP students, for they do not have the background of experience that our students have. Biology equates to a life science subject that Asians have already had in some form, but the vocabulary is difficult to master for them. Chemistry and algebra are largely symbolic in nature, and Asian students in high school do well in these areas.

5. Do provide more than the usual exposure to native English speech. Listening is important because the child imitates what he hears. Make use of records and story telling daily.

6. Do encourage peer teaching. Place the child in a class with brighter students who will be able to work with him.

DON'TS

1. Don't rely on word recognition tests (WRAT) for placement in reading levels. Pronunciation problems for non-native English speakers will interfere with results. Correct pronunciation does not necessarily mean comprehension, especially for non-native English speakers.

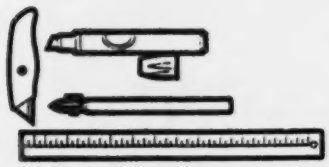
2. Don't place the student in a low ability group. He'll be better stimulated by those who can advance more rapidly and who can help him.

3. Do not anglicize a child's name unless the child requests it. The child is named after an ancestor, and he is taught to respect that name.

4. Don't ask a student to read aloud for purposes of testing comprehension. He'll become a word reader and won't concentrate on meaning. When a child is forced to read aloud, his thoughts are on pronunciation and on what his peers are thinking of his pronunciation. He's too afraid to think about the meaning.

5. What a child hears, speaks, and reads he can write. Do not assume that because a child does not speak English that he does not understand what is being presented. Students have been labeled "stupid" or "retarded" because of language problems--not learning or intelligence problems. If intelligence tests are required or needed, be sure that the type of test is non-verbal in nature or is administered in the native language. Any other type of testing is inappropriate to non-English-speaking children.

6. Don't start him in traditional beginner reading books written for native speakers of the language. The vocabulary and structure are too broad for non-English speakers.



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ESL Publications
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Washington, D. C. 20002

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City and County of Denver
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San Diego, California 92103

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DeKalb, Illinois 60115

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MOSAIC, Service for
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Church World Service
475 Riverside Drive
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Refugee Materials Center
U. S. Department of Education
324 East 11th Street, 9th Floor
Kansas City, Missouri 64106

Additional Sources of Materials and Information

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Betty Morris, Director
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414 East Third Avenue
San Mateo, California 94401

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18090 Wyoming
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